

ADJOURNMENT MOTION.

President : Order, order. I have received certain notices of motions for the adjournment of the House for the purpose of discussing matters of urgent public importance. One of them is from Mr. M. S. Anirudhan.

"I intend moving a motion for the adjournment of the business of the Council to discuss a definite matter of urgent public importance occasioned by the recent utterances of His Excellency The Viceroy and of Lord Lothian on the question of Federation and the recent developments in other Indian States in regard to the establishment of responsible government in those States and to bring to the notice of the Government the urgent need for taking immediate steps for the establishment of responsible Government in this State subject to the powers and prerogatives of His Highness the Maharaja."

Motion.

"I move that the business of the Council be adjourned to discuss the urgent need for taking immediate steps for the establishment of responsible government in this State subject to the powers and prerogatives of His Highness the Maharaja."

I rule the motion out of order for the following reasons. It is well-known that a motion for adjournment of the House must raise a definite matter of urgent public importance. That this is a matter of public importance there is no denying, but it is not a matter of urgent importance for the following reasons.

In the first place, His Excellency the Viceroy and Lord Lothian have been speaking on this question of Federation for some time and public opinion has been expressing itself for some months, if not years, on this subject. There is nothing urgent about it. There was some urgency a few days ago by reason of certain events that took place outside the State. The urgency arose by reason of the fact that there was, or might have been, some doubts as to the policy of this Government in regard to the question of responsible government, either subject to the powers and prerogatives of His Highness the Maharaja, or otherwise. Government have enunciated their policy definitely and that is, that as at present advised, Government are not able, and it is not within their power, to establish full responsible Government, and they have also expressed the view, as a matter of their opinion, that Responsible Government subject to the powers and prerogatives of His Highness the Maharaja means no responsible Government at all. Under these circumstances, the policy of the Government having been made perfectly clear on this question, the matter is no more urgent. At any time this matter can be raised either by means of a resolution, if a resolution is admissible and admitted, or in any other way which is open to the members of the House. The question is one that will be pending

[President.]

for some time—for some months, if not years—and therefore it is not a matter either of recent occurrence or of urgency. On that ground I rule the motion out of order.

The next motion is the one that is raised by Mr. Elankath.

"I beg leave to move that the business of the House be now adjourned to discuss a definite matter of urgent public importance namely the sense of insecurity to person, honour and property of the law-abiding and loyal subjects of His Highness the Maharaja caused by the extreme callousness and utter inefficiency of the Police administration as evidenced by the recent occurrences of assault of two respectable editors at Trivandrum, destruction of fisher-folk's property at Warkala, high-handed acts of the Police at Karunagapalli, pelting of stones at the crowd of officials and non-officials that gathered to felicitate the Commissioner of Police at Palai and assault of innocent persons in various parts of the State."

Now this is obviously not within any reasonable definition of either definiteness or of urgency. But as it may conceivably be said that as a result of all these indefinite statements, a definite matter, viz., the sense of insecurity to person, honour and property, has arisen, I should like to know exactly what the Chief Secretary has to say on this motion before admitting it.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: Four instances are given in the motion to show that there is general insecurity of the person, honour and property of the subjects of H. H. The Maharaja.

President: The Chief Secretary will bear in mind that what may be called the substance of the motion is not strictly before the House. Only the question about the admissibility of it is before the House now. So the member will confine his attention to that aspect of the matter.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The motion as it is, I submit, is vague. The insecurity of person honour and property is not a definite event. But the honourable member has given four instances to show that there is a general insecurity of the person, honour and property of the loyal subjects of H. H. The Maharaja. I shall show that on the ground of these four instances the motion is inadmissible.

President: I think he will confine his remarks to the admissibility of the motion.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I propose to do so, Sir. It will be seen from what I am going to say that the motion is inadmissible.

With regard to the first item, the recent assault on two respectable editors, I may say that Government have received complaints from them. One of them has stated in his complaint that he was assaulted and the other has stated that he was patted heavily on the back. The complaints received by the Government were forwarded to the Police Commissioner for urgent enquiry and report, and the enquiry is being vigorously pursued. Government are awaiting the report of the Police Commissioner to decide upon the action to be taken.

Then, with regard to the second item, destruction of poor fisher-folk's property at Warkala. So far as I know, there has not been any destruction of fisher-folk's property at Warkala, but there is an order prohibiting the drying of fish on a portion of the coast. This matter is engaging the attention of Government. The Dewan himself visited the place and enquired into the complaint and the orders of Government on the subject will issue shortly.

The third item is the high-handed action of the Police at Karunagapalli. A complaint was received by Government about two months ago. Three honourable members of the other House presented a petition to the Dewan complaining against the conduct of the Police Inspector at Karunagapalli. There was a specific allegation in that complaint and a report was called for from the Police Commissioner. Before the report reached the Government, the three honourable gentlemen met the Dewan and reiterated the complaints contained in the original petition. The Dewan assured them that the matter would be very carefully enquired into and the results let known to them. One of the allegations made by the deputationists was that the D. S. P. of Quilon interfered in a case and made the Police Inspector refund a certain amount of money which he received as a bribe from a party in a case. The D. S. P. met the Dewan and denied the charges in toto. He subsequently submitted a statement explaining clearly that the accusations and allegations contained in the complaint were absolutely unfounded. The enquiry was being pursued and before it was completed the three gentlemen referred to sent in another petition which was also ordered to be enquired into. While the matter was being enquired into, one of the three gentlemen wanted to publish his own version of all that took place and sent in a statement to one of the newspapers and that paper forwarded the statement to government. It was surprising that the gentlemen attempted to rush to the Press while the enquiry was in progress. Later on an interview was granted to the three gentlemen by the Dewan and they were assured at that interview that the whole matter was being enquired into and that proper action would be

[Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai.]

taken against the Police if they were found to be guilty. So far as Government are able to gather from the reports received from the Police Commissioner, there are two factions in Karunagapalli. These factions, I think, arose at the time of the last general elections. One party is being helped by one or two well-known rowdies of the place and the Police are trying to book them. One of them particularly is involved in a number of cases. He is causing a lot of trouble to the public and is a menace to public peace. The Police are taking action against him. Unfortunately it so happened that this particular gentleman took sides at the general elections with the party to which the members who complained to the Dewan against the Police Inspectors belonged.

Mr. Kochikal P. Balakrishnan Tampi (*Karunagapalli, Kartikapalli and Ambalapuzha cum Shertala*): Is the honourable member aware that so long as these honourable members of the House are not here to plead their case it is rather unfair to speak against them?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I state the facts as they are and as they were brought to the notice of the Government by responsible officers.

Mr. K. R. Elankath: May I know the names of these rowdies?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: I do not wish to mention names on the floor of the House.

Mr. Nedumangad R. Kesavan Nair: May I know whether these gentlemen were allowed to produce evidence?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: They did offer to give evidence and Government would avail themselves of that offer if found necessary. Government are willing to conduct an enquiry in which case these gentlemen can give evidence.

Mr. Nedumangad R. Kesavan Nair: May I know who is to call for their evidence?

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai: The officer who conducts the enquiry.

I have already stated that there are two parties at Karunagapalli. A few days ago Government received a petition from the opposite party, which stated that the Police Inspector there was honest and efficient and that the complaint was being engineered by the interested party. The honourable members will, therefore, realise that there is sharp difference of opinion among the people of the locality. Government have to investigate and find out what the truth is. They will conduct a very careful enquiry and punish

the officers if they are found to be really guilty. Since all the specific matters referred to are under enquiry, the motion, I am afraid, is not admissible. No useful purpose will be served by a discussion of these matters on the floor of the House at this stage.

President : Do you want to say anything, Mr. Elankath ?

Mr. K. R. Elankath : The Chief Secretary has not answered all the points raised by me.

Rao Bahadur Rajyasevanirata Dr. N. Kunjan Pillai : I am sorry, Sir. A word about the pelting of stones at the crowd of officials and non-officials who gathered at Palai to felicitate the Commissioner of Police. Government have not received any complaint or report from anybody about this matter.

Mr. K. R. Elankath : May I know whether Government will at least enquire whether one Mr. Pala Nadar underwent treatment in the Hospital and one Mr. A. C. Kuriakose, an ex M. L. C., one of the accused had also serious injuries.

President : The motion for adjournment has to be disallowed for the following reasons :—

It is a well understood principle that in order to admit such adjournment motions the matter must be of recent occurrence and of public importance and moreover it must not open discussion on materials not available to the House. If therefore the matter is under investigation or enquiry the question is not one that is open for discussion by means of this adjournment motion. Moreover, it has been a fairly defined principle in Parliaments that questions of purely local importance or dealing with individual matters are not really matters which come within the scope of such motions. On that ground, and as it has been definitely pointed out to the House that the questions are under enquiry, the motion becomes inappropriate and inadmissible.

But before actually giving a ruling to that effect inasmuch as, though not intentionally the name of the Dewan has been mentioned in this connection, I think it is necessary that there should be no misunderstanding in the public minds on this matter. Elsewhere I have stated that so far as the question of security of person, honour and property of the subjects of His Highness the Maharaja is concerned, it is a matter of primary responsibility on the part of the administration and that if any insecurity arises in the country it reflects upon the whole administration from the highest to the lowest and from that point of view it was stated, and I repeat it, that it is the intention and the obvious duty and obligation of the Head of the administration to make a searching enquiry. It has been stated by the Chief Secretary that such an enquiry is being

[President.]

conducted with regard to the assault on the two editors. The materials, such as they are, which were presented to Government have been transmitted to the Police and they have been told to spare no pains to discover the culprits whoever they may be and to register cases against them as soon as any materials are available to them as a result of their enquiry.

In regard to the destruction of the fisherfolk's property at Warkala it was carefully considered and, as was pointed out by the Chief Secretary, it became the duty of the Dewan to go to the spot. He heard both sides and orders have been formulated which will be issued shortly and the materials relating to this matter are therefore not before the House for discussion.

The question with regard to Karunagapalli incident is rather more serious and I think it is my duty to refer to it in order to prove that the matter should not be discussed on the floor of the House at this stage. The facts are these. Some time ago three public men who are members of another House of the Legislature, presented a petition which I would not have referred to if they did not make that document public through the press. They presented a petition alleging a definite act of corruption against a Police Inspector and it was stated that a sum of Rs. 57 was received by him as bribe which had to be returned at the instance of the District Superintendent of Police. The D. S. P. not only denied it but proved that the allegation was unfounded and that no money was received by the Inspector and that somebody else received it and returned it and he was punished for it. The Inspector had nothing to do with it. Some weeks later, the same persons presented another petition in which it was stated that certain high-handed proceedings were committed against certain persons. Therefore further investigations were started and when those investigations were under way further representations were made.

Then it was shown that, in so far as further representations were concerned, there were two sides of the question involved—one party averring that the D. S. P. said "How can I proceed against the Police Inspector as he is a favourite of the Police Commissioner?" and the D. S. P. on the other hand denying it altogether. Government are not going to proceed on the report of the D. S. P. or on the representations made by those honourable members. By this I do not say that the admissions made by the D. S. P. are correct. But the question will have to be considered whether the D.S.P. has made that statement to the honourable members. The enquiry is still in progress and it is in these circumstances that the adjournment motion is brought in. The honourable members may have

been moved by a sense of duty to the public and felt it imperative and obligatory on their part to unearth all frauds committed by responsible Government officers and make corruption among them a thing of the past. So far as Government are concerned I may assure the honourable members that they will spare no pains to go into the whole matter and, whoever is in the wrong Government will see that such steps are taken as will prevent such charges and counter charges being made. But it is the duty of the Government also to see that the Government servants are protected from concocted charges and allegations which may be proved to be unfounded. But so far as this matter is concerned let me say definitely that I am not saying anything as a verdict in favour of the authenticity of the complaints or as a rebuttal of the same. The whole matter is now under enquiry, and whatever is the result of that enquiry it will be made known to the public, and therefore, pending further elucidation of that matter, I rule that this part of the motion is out of order.

Finally there is the question of the officials and non-officials felicitating the Commissioner of Police at Palai. Generally, however, I had the impression that the garden parties are not the occasions when bouquets of stones are thrown at each other. Apparently this procedure was adopted or is alleged to have been adopted in this case. But enquiry elicits no complaints from the Police Commissioner or from any other party. So it seems that the bouquet throwing was done as a private and secret affair. I did not know of this occurrence till it was brought to my notice by this motion. Government will go into this matter as the honourable member, the author of this motion, was impelled by a due sense of responsibility to give notice of this motion. In the light of what I have stated I have to rule the motion out of order.

Another motion was given by Mr. K. K. Kuruvilla to discuss a situation caused by the attack on Mr. Madhava Warriar and Mr. Thomas Mathew Muthalaly. This motion also I rule out of order.

A motion has been sent by Mr. Nedumangad R. Kesavan Nair which is as follows :—

"I move for the adjournment of the business of the Council to discuss a definite matter of urgent public importance, namely, the apprehension created among the public in the State by the proposal of Government to hand over the working of certain important treasuries (*Viz.*, the Divisional Treasury of Trivandrum, Quilon Divisional Treasury, Kottayam Divisional Treasury, Ambalapuzha Sub-Treasury, and Agastheeswaran Sub-Treasury) to the Imperial Bank."

[President.]

As there is sufficient public importance in the step taken by Government, I rule that the motion is in order and accordingly I fix 3.30 P. M. today for the discussion of the motion.

Mr. Nedumangad R. Kesavan Nair: Sir, I want to submit that certain questions which were sent to the Secretary as early as Karkatakam 1112 have not been answered. Questions which were sent subsequently have been admitted and answers are furnished. Rule 26 of the Manual states that the first one hour of the Council shall be devoted for answering questions. Today all questions were finished when it was 11.40.

Mr. Kottar Kunjukrishna Pillai (*Quilon cum Kun-nathur*): May I know from the member whether under Rule 26 it is stated that first one hour shall be devoted or the first hour?

Mr. Nedumangad R. Kesavan Nair: I am thankful to the member for the correction. All that I wanted to say is that the benefit of the first hour shall be given for answering questions. The answers to questions which were sent earlier are not given. For example, I have sent a question regarding the expenditure that was incurred in getting down newspapers for Government. That was admitted during the Karkatakam session. It was also renewed during the subsequent councils and yet they are not answered. Similarly questions relating to the construction of the permanent and temporary transport garages were sent along with other questions to be answered today. The answers to those questions are not seen. I am led to believe that the questions that are inconvenient for Government to answer are deferred without being answered.

I would finally request that the questions that are sent by us should be, as far as possible, admitted and answered according to the priority of those questions.

President: The honourable member in raising an important question has made certain insinuations which I must repel. It is not true that Government are answering questions which they consider most convenient and are not answering questions inconvenient to them. The Government are not bound to answer especially within a limited time, any question that is sent to them. There is no question of convenience or inconvenience so far as the Government is concerned in answering questions. So I must repel the insinuation contained in the honourable member's statement with all the emphasis that I can command. With regard to the other points raised by the honourable member with reference to specific questions I may say that some matters require enquiry and investigation before answering the questions relating to them. It may also be that there are certain other questions which are considered by Government important and requiring labour in collecting information. For instance, during every session, about 200 to 250

REGULATIONS ASSENTED TO BY HIS HIGHNESS THE MAHARAJA, 225

questions relating to recruitment to public service on communal proportions to various services are sent to Government. They are answered and sent up immediately. But the honourable member is perfectly within his rights, and I am indebted to him in pointing out that certain questions are not answered and steps will be taken to answer all legitimate questions that are sent in reasonable time.

THE REGULATIONS ASSENTED TO BY HIS HIGHNESS
THE MAHARAJA.

The Secretary to the Council then reported that the Travancore High Court Regulation (First Amendment) Bill and the Travancore High Court Regulation (Second Amendment) Bill have received the assent of His Highness the Maharaja.

STATEMENT LAID ON THE TABLE.

Rao Bahadur A Rengaswamy Aiyar :

Under Rule 76 of the Travancore Legislative Rules, I beg to lay on the table the following statement of expenditure authorised by the Government under Section 32 of Regulation II of 1108.

Demand.	Amount in Rupees.	Particulars.
I. Taxes on Income ...	6,541	For the office staff and contingencies of the Deputy Commissioner of Income Tax during 1113.
IV. Uplift of backward communities ...	10,000	For the colony of backward communities at Kurichi.
VII. Public Works Department	2,800	For pitching the slipped portion of the Elephant trench around the shooting camp at Edapalayam.
XXVIII. Scientific and Miscellaneous Departments.- The Sri Chitralayam	10,362	On account of the value of five paintings of Professor Nicholas Roerich and Mr. Svetoslav Roerich